

IN THE
SUPREME COURT OF THE UNITED STATES OF AMERICA
OCTOBER TERM, 1983

FILED
MAR 24 1984

CLERK

NO. 83-1510

IN RE GRAND JURY PROCEEDINGS:

DONALD FERGUSON,
JOSEPH FERGUSON,

PETITIONERS,

v.

UNITED STATES OF AMERICA,

RESPONDENT.

SUPPLEMENTAL APPENDIX TO
PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE:) Grand Jury No.
GRAND JURY) 83-096
PROCEEDINGS OF)
DONALD FERGUSON) ORDER ADJUDGING
) GRAND JURY
) WITNESS IN
) CONTEMPT

Filed by Clerk, U.S. District Court

Southern District of California

on October 27, 1983

IT IS HEREBY ORDERED that the
October 25, 1983 order of this court is
hereby incorporated herein by reference;

On October 25, 1983, the United States of America made application to this court for an order adjudging witness Donald Ferguson to be held in civil contempt of court for refusing without just cause to answer questions and provide testimony before a federal grand jury on October 13, 1983 (by stipulation), and again on October 25, 1983;

On October 25, 1983, at approximately 2:30 p.m., witness Donald Ferguson and his counsel, Frank T. Vecchione, appeared before this court pursuant to the United States' application for civil contempt; Attorney Frank T. Vecchione acknowledged that his client, Donald Ferguson, had refused to answer questions propounded by the prosecutor before the grand jury that morning;

IT IS HEREBY ORDERED that the witness Donald Ferguson is hereby adjudged in civil contempt of this court pursuant to Title 28, United States Code, Section 1826(a) for his refusal to answer questions before the federal grand jury for the Southern District of California on October 13, 1983 (by stipulation) and again on October 25, 1983;

IT IS FURTHER ORDERED that the witness, Donald Ferguson, be committed to the custody of the Attorney General, or his authorized representative, for imprisonment until such time as he is willing to comply with the court's order by answering questions before the grand jury, or for the term of the present grand jury, No. 83-1, that is, until May 1, 1984, which is the scheduled termination date of said grand jury;

IT IS FURTHER ORDERED that the application of witness Donald Ferguson for a stay of this court's order is hereby denied. 10-26-83

/S/ LELAND C. NIELSEN
UNITED STATES DISTRICT
JUDGE

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE:) Grand Jury No.
GRAND JURY) 83-097
PROCEEDINGS OF) ORDER ADJUDGING
JOSEPH FERGUSON) GRAND JURY
) WITNESS IN
) CONTEMPT

Filed by Clerk, U.S. District Court

Southern District of California

on October 27, 1983

IT IS HEREBY ORDERED that the
October 25, 1983 order of this court is
hereby incorporated herein by reference;

On October 25, 1983, the United States of America made application to this court for an order adjudging witness Joseph Ferguson to be held in civil contempt of court for refusing without just cause to answer questions and provide testimony before a federal grand jury on October 13, 1983, and again on October 25, 1983;

On October 25, 1983, at approximately 2:30 p.m., witness Joseph Ferguson and his counsel, Sheldon Sherman, appeared before this court pursuant to the United States' application for civil contempt; Attorney Sheldon Sherman acknowledged that his client, Joseph Ferguson, had refused to answer questions propounded by the prosecutor before the grand jury that morning;

IT IS HEREBY ORDERED that the witness Joseph Ferguson is hereby adjudged in civil contempt of this court pursuant to Title 28, United States Code, Section 1826(a) for his refusal to answer questions before the federal grand jury for the Southern District of California on October 13, and 25, 1983;

IT IS FURTHER ORDERED that the witness, Joseph Ferguson, be committed to the custody of the Attorney General, or his authorized representative, for imprisonment until such time as he is willing to comply with the court's order by answering questions before the grand jury, or for the term of the present grand jury, No. 83-1, that is, until May 1, 1984, which is the scheduled termination date of said grand jury;

IT IS FURTHER ORDERED that the application of witness Joseph Ferguson

for a stay of this court's order is
hereby denied. 10-26-83

/S/ LELAND C. NIELSEN
UNITED STATES DISTRICT
JUDGE

PROOF OF SERVICE

I, BONNIE WHITEHALL, do hereby state:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action.

My business address is 108 Ivy Street, San Diego, California, 92101.

On March 22, 1984, I placed in an envelope, with postage prepaid, a copy of: SUPPLEMENTAL APPENDIX TO PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT addressed to the following individual:

The Honorable Rex E. Lee
Solicitor General of the United States
Department of Justice
Washington, D.C. 20530
and thereafter placed same in the United States mail at San Diego, California.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed this 22nd day of March, 1984, at San Diego, California.


BONNIE WHITEHALL